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9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA  
 11 SAN FRANCISCO DIVISION

12 DIANE RENN BUTTON,

13 Plaintiff,

14 vs.

15 MITCHELL WAITE and Does 1-30, inclusive,  
 16 Defendants.

No.: C 06 3408 MMC0

**STIPULATION AND [PROPOSED]  
 ORDER TO REMAND CASE TO STATE  
 COURT**

17 AND RELATED CROSS-ACTION  
 18

19 The parties, through their undersigned counsel, hereby stipulate as follows:

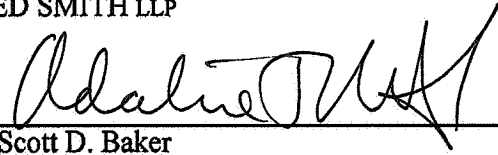
20  
 21 1. This lawsuit was originally filed in the Superior Court for the State of California,  
 22 County of Marin on or about April 24, 2006. On or about May 24, 2006, Defendant Mitchell Waite  
 23 removed this case to this federal court on the basis of diversity jurisdiction. On or about May 31,  
 24 2006, Defendant filed an Answer and Cross-Claims.

25 2. Mr. Waite is a resident and citizen of California, and as such, remand is appropriate  
 26 upon objection under 28 U.S.C. § 1441. Plaintiff has timely objected to the removal.  
 27  
 28

1           3.       Accordingly, the parties agree that this case should be remanded back to state court  
2 pursuant to 28 U.S.C. §1447(c) and that Plaintiff should not be required to respond to the Cross  
3 Claims in federal court.


4  
5           DATED: June 8, 2006.

6                               REED SMITH LLP

7                               By   
8                               Scott D. Baker  
9                               Adaline J. Hilgard  
10                              Attorneys for Diane Renn Button

11  
12           DATED: June 8, 2006.

13                              NOSSAMAN, GUTHNER, KNOX & ELLIOT, LLP

14                              By   
15                              Patrick Richard  
16                              Sophie-Nicole Froelich  
17                              Attorneys for Mitchell Waite

18                              **ORDER**

19           Pursuant to Stipulation, it is hereby ORDERED that this case be remanded back to State  
20 Court. Plaintiff is not required to file a response to the Cross Claims in federal court.

21           IT IS SO ORDERED.

22  
23           DATED: June 13, 2006

24                                
25                              United States District Judge